

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the Trust established under the
Pooling and Servicing Agreement relating to the
Wachovia Bank Commercial Mortgage Trust
Commercial Mortgage Pass-Through
Certificates, Series 2007-C30

Case No.: 21-mc-00179

Underlying Litigation:

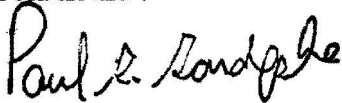
No. 19-cv-1387-PJS-BRT (D. Minn.)

No. 19-cv-2416-PJS-BRT (D. Minn.)

**NOTICE OF CWCAPITAL COBALT VR LTD.'S UNOPPOSED MOTION
TO TRANSFER PROCEEDING TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Memo Endorsed: This Application is granted. This
matter is transferred to the U.S. District Court for the
District of Minnesota.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: February 23, 2021

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CWCapital Cobalt Vr Ltd. (“Cobalt”) initiated this miscellaneous proceeding to move to compel Venable LLP (“Venable”) to produce documents in response to a subpoena dated November 10, 2020. *See* ECF No. 1. Pursuant to Federal Rule of Civil Procedure 45(f) (“Rule 45(f)”), Cobalt respectfully moves to transfer that motion to the United States District Court for the District of Minnesota (the “District of Minnesota”), where the cases to which the subpoena relates are pending. Venable consents to the motion to transfer.

The two cases underlying the subpoena are both trust-instruction proceedings captioned *In the Matter of the Trust established under the Pooling and Servicing Agreement relating to the Wachovia Bank Commercial Mortgage Trust Commercial Mortgage Pass-Through Certificates, Series 2007-C30*, Case Nos. 19-cv-1387-PJS-BRT and 19-cv-2416-PJS-BRT (the “Minnesota Actions”). The cases in general concern various disputes relating to the interpretation of a pooling and servicing agreement governing a commercial mortgage-backed securities (“CMBS”) trust.


Discovery in the Minnesota Actions is underway, and on November 10, 2020, Cobalt served a subpoena for documents on Venable. The issuing court was the District of Minnesota. The place of compliance under the subpoena was New York County, New York, requiring Cobalt to file any motion to compel in this Court. The parties have conferred in respect of the subpoena but Venable stands by its objections and refuses to produce the materials called for in the subpoena. Cobalt’s motion to compel in this Court followed.

Transfer of that motion to the District of Minnesota is appropriate under Federal Rules of Civil Procedure. Under Rule 45(f), “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the

person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f). This rule is satisfied because Venable, the entity subject to the subpoena, consents to transfer. In addition, transfer is appropriate because the cases to which the subpoena relates involve complex issues regarding the operation of a CMBS trust, issues that the District of Minnesota has already begun considering. Other related discovery disputes, moreover, are already before the District of Minnesota. Accordingly, Cobalt’s motion should be transferred to the District of Minnesota.

Dated: February 22, 2021
New York, New York

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